



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Agriculture

- ☒ Preproposal Statement of Inquiry was filed as WSR 06-11-173; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) This proposal amends the apple pest certification fee rule (WAC 16-390-230) by increasing the apple pest certification fee from \$.0075 per hundredweight (cwt.) to \$.015 per cwt. This proposed increase is effective through December 31, 2008. The fee reverts back to \$.0075 per cwt. on January 1, 2009. During the 2006 legislative session, the Washington State Legislature authorized the Washington State Department of Agriculture to increase fees in excess of the OFM fiscal growth factor in order to ensure that fees charged for services covered the full cost of operating department programs [see Chapter 372, Laws of 2006 (ESSB 6386)].

Hearing location(s):

Washington State Dept. of Agriculture
21 North 1st Avenue
Conference Room 238
Yakima, WA 98902

Date: August 31, 2006 Time: 11:00 AM**Submit written comments to:**

Name: Henri Gonzales
Address: PO Box 42560, Olympia, WA 98504-2560
e-mail hgonzaless@agr.wa.gov
fax (360) 902-2094 by August 31, 2006

Assistance for persons with disabilities: ContactHenri Gonzales by August 24, 2006TTY (360) 902-1996 or (360) 902-2061**Date of intended adoption:** September 8, 2006

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The apple maggot is an invasive insect pest native to Eastern North America. Its hosts include apples, crabapple, and native hawthorn. In its larval development stage it can cause extensive damage to fruit. It is economically significant to the Washington apple crop not only due to its ability to cause physical crop damage, but also because fruit from apple-maggot free areas or locations has greater market access for international shipments. The apple pest certification fee is used to fund annual surveys for apple maggot. Data collected from last summer's apple maggot survey provided evidence that the state's apple maggot population has expanded its range. Because of this, additional resources will be needed to conduct expanded future apple maggot surveys in order to comply with international standards. In addition, the program has experienced increased costs of inputs, particularly gasoline. Changes to the existing rule may be needed to help manage and prevent the possible movement of apple maggot from infested areas into uninfested areas, secure our continued access to international and interstate markets, and protect the commercial tree fruit industry from an economically significant pest.

Reasons supporting proposal: Changes to the existing rule may be needed to help secure our continued access to international and interstate markets. Failure to adopt the proposed amendments may jeopardize foreign and domestic markets for Washington apples.

Statutory authority for adoption: Chapters 15.17, 17.24 and 34.05 RCW**Statute being implemented:** Chapter 15.17 RCW**Is rule necessary because of a:**

- Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

DATE

July 19, 2006

NAME (type or print)

Mary A. Martin Toohey

SIGNATURE

Mary A. Martin Toohey
TITLE
Assistant Director

CODE REVISER USE ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 19 2006

TIME

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WSR

06-15-117

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Washington State Dept. of Agriculture with the support of the Apple Maggot Working Group

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Mary Toohey	1111 Washington Street SE, Olympia, WA 98504-2560	(360) 902-1907
Implementation...Brad White	1111 Washington Street SE, Olympia, WA 98504-2560	(360) 902-2071
Enforcement.....Brad White	1111 Washington Street SE, Olympia, WA 98504-2560	(360) 902-2071

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

RCW 19.85.030(1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. The department has analyzed the economic effects of the proposed revisions and has concluded that they do not impose a more than minor costs on small businesses in the regulated industry and, therefore, a formal SBEIS is not required.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i).

AMENDATORY SECTION (Amending WSR 04-11-078, filed 5/18/04, effective 6/18/04)

WAC 16-390-230 What is the fee for an apple pest certification? Through December 31, 2008, the fee for apple pest certification, using the survey method, on all fresh apples produced in Washington state or marketed under Washington state grades and standards, is ((\$.0075)) \$.015 per cwt. or fraction thereof. Beginning January 1, 2009, the fee shall be \$.0075 per cwt. or fraction thereof.